

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
ORRESSA CARRUTHERS,

Plaintiff,

-against-

CITY OF NEW YORK and
NYPD OFFICER MEGAN HADDEN,

Defendants.
-----X

TOWNES, United States District Judge:

MEMORANDUM AND ORDER

15-cv-2314 (SLT) (LB)

On April 22, 2015, Plaintiff Orressa Carruthers ("Plaintiff") filed a Complaint against Defendants City of New York, Megan Hadden, Christopher Price, and a John Doe individual alleging civil rights violations under federal and state laws. (ECF No. 1.) On October 8, 2015, Plaintiff filed an Amended Complaint removing Christopher Price as a defendant. (ECF No. 10). The City of New York and Megan Hadden each served an Answer to the Amended Complaint. (ECF Nos. 11, 12.)

On December 1, 2015, United States Magistrate Judge Lois Bloom ("Judge Bloom") ordered that all discovery should be complete by April 1, 2016. (Scheduling Order.) Judge Bloom subsequently granted five requests by the parties to extend the discovery deadline. (Docket entries dated Mar. 15, 2016, May 13, 2016, June 16, 2016, July 28, 2016, Aug. 25, 2016.)

On September 8, 2016, Plaintiff's counsel made a sixth request for another extension of the discovery deadline because he was unable to reach his client. (ECF No. 24.) Judge Bloom denied the request. (Docket entry dated Sept. 9, 2016.) After Plaintiff's counsel moved to withdraw as counsel on September 20, 2016, Judge Bloom ordered him, his client, and defense counsel to appear for a status conference in October. (ECF Nos. 25, 27.) Judge Bloom also ordered Plaintiff's counsel to serve Plaintiff with a copy of the scheduling Order. (Order, ECF

No. 27.) The Court also mailed a copy of the Order to Plaintiff's home address and served it on an individual residing at Plaintiff's home. (ECF No. 30.) Plaintiff, however, failed to appear at the October 11, 2016, conference. (ECF No. 31.) Plaintiff's attorney and defense counsel did make the appearance. (*Id.*) Judge Bloom granted Plaintiff's counsel's request to withdraw as counsel. (ECF No. 32.) Judge Bloom also scheduled another status conference for November 2, 2016, and warned Plaintiff that if she did not appear at the status conference, Judge Bloom "shall recommend that this case ... be dismissed pursuant to Rules 16(f) and 37(b)(2)(A)(v) of the Federal Rules of Civil Procedure." (*Id.*) A copy of this Order was mailed to Plaintiff's home address. (*Id.*) Plaintiff did not appear at the November 2nd conference. Nor has Plaintiff made any contact with the Court or defense counsel.

On November 3, 2016, Judge Bloom filed and served via ECF a report and recommendation ("R&R") recommending that the entire case be dismissed with prejudice under Federal Rules of Civil Procedure 16(f) and 37(b)(2)(A)(v) for Plaintiff's failure to comply with multiple Court Orders. (ECF No. 34.) A copy of the R&R was mailed to Plaintiff's home address. (*Id.*) Written objections to the R&R were due by November 21, 2016. (*Id.*) 28 U.S.C. § 636(b)(1)(C). To date, no objections have been filed and no party has requested an extension of time in which to do so.

A district court is not required to review the factual or legal conclusions of the magistrate judge as to those portions of a report and recommendation to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 150 (1985). Even when no objections are filed, however, many courts seek to satisfy themselves "that there is no clear error on the face of the record." Fed. R. Civ. P. 72(b) advisory committee note (1983 Addition); *see also Edwards v. Town of Huntington*, No. 05 Civ. 339 (NGG) (AKT), 2007 WL 2027913, at *2 (E.D.N.Y. July 11, 2007). Although not required to do so, this Court has reviewed Judge Bloom's R&R for clear error on the face of the record. The Court finds no clear error and, therefore, adopts the R&R in its entirety as the opinion of the Court pursuant to 28 U.S.C. § 636(b)(1).

CONCLUSION

For the reasons stated above, Judge Bloom's R&R dated November 3, 2016, recommending that the entire case be dismissed with prejudice under Federal Rules of Civil Procedure 16(f) and 37(b)(2)(A)(v), is adopted in its entirety. The Clerk of the Court is directed to close this case and mail a copy of this Memorandum and Order to Plaintiff.

SO ORDERED.

S/Sandra L. Townes
/ SANDRA L. TOWNES
United States District Judge

Dated: December 1, 2016
Brooklyn, New York